

REMARKS

Claims 1 and 3-12 are pending in this application. Claims 1 and 3-12 stand rejected. By this Amendment, claims 1 and 5-12 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraphs 1-8 raise various objections and rejections to the claims with respect to inconsistencies in the claims. Applicant has amended the claims to overcome these inconsistencies. Additionally, Applicant has clarified claims 10 and 11 so that the length L, indicating the number of nodes, is reduced from an initial value to the condition where $L=2$. Thus, Applicant respectfully requests reconsideration and withdrawal of the objections and rejections to the claims.

Claims 1, 3, 5-9, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,975,626 ("Eberle"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of Applicant's independent claims not present in Eberle is a first node type having a low order path therebetween and a second node type having a high order path therebetween. These two separate node types are not disclosed by Eberle.

Applicant's claims explicitly recite that there are two different node types present. In other words, more is required than merely having nodes with high order paths or low order paths therebetween. Specifically, two separate node types are recited in the claims. In contrast, Eberle fails to disclose two distinct node types. As

shown in Figure 4 and the related discussion, Eberle merely discloses nodes 420 and 430. No specific distinction is made between nodes 420 and 430 of quick channel switch 460 and bulk channel switch 450. Therefore, Applicant respectfully submits that, as discussed herein, Eberle fails to disclose the two distinct node types recited in the claims. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to the pending claims.

Claims 4, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eberle. Because the independent claims from which claims 4, 10, and 11 are allowable over Eberle, these dependent claims which add additional patentable limitations, which, in combination with the limitations of the independent claims, are neither disclosed nor suggested by Eberle and are also believed to be directed towards the patentable subject matter. Thus, claims 4, 10, and 11 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No. 10/084,325

Docket No.: Y2238.0036

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: October 4, 2006

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicant

IRB/mgs